

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:14-cv-297-RJC-DCK**

**IMPULSE MONITORING, INC.,**                     )  
   )  
                  **Plaintiff,**                         )  
   )  
              **vs.**                                     )  
   )  
   )  
**HUMANA HEALTH PLAN, INC.,**                 )  
   )  
                  **Defendant.**                     )  
\_\_\_\_\_ )

**ORDER**

**THIS MATTER** comes before the Court on Defendant's Motion to Dismiss (Doc. 5), the parties' Joint Motion to Stay (Doc. 8), and the Magistrate Judge's Memorandum and Recommendation (M&R), recommending that this case be stayed until the completion of settlement negotiations. (Doc. 9). It is now ripe for review.

**I. BACKGROUND**

On June 5, 2014, Defendant removed this case to this Court. (Doc. 1). One week later, Defendant moved to dismiss this case for lack of subject matter jurisdiction and for failure to state a claim under which relief can be granted. (Doc. 5). One week after that, the parties filed a joint motion to stay the matter pending the completion of settlement negotiations. (Doc. 8). On June 20, 2014, the Magistrate Judge issued the M&R, granting the motion to stay and recommending that the motion to dismiss be denied without prejudice.

Neither party objected to the M&R.

**II. STANDARD OF REVIEW**

The district court may assign dispositive pretrial matters pending before the court to a

magistrate judge for “proposed findings of fact and recommendations.” 28 U.S.C. § 636(b)(1)(B). The Federal Magistrate Act provides that “a district court shall make a de novo determination of those portions of the report or specific proposed findings or recommendations to which objection is made.” Id. at § 636(b)(1); Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983). However, “when objections to strictly legal issues are raised and no factual issues are challenged, de novo review of the record may be dispensed with.” Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir.1982). “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting FED. R. CIV. P. 72 advisory committee’s note).

### III. DISCUSSION

Neither party having objected, the Court’s review is limited to whether the M&R contains clear error. Having reviewed the M&R, the Court finds no error therein and **adopts** the recommendations of the Magistrate Judge. Accordingly, Defendant’s motion to dismiss (Doc. 5) is **denied without prejudice**. This case is stayed according to the terms laid out in the Magistrate Judge’s order contained in the M&R.

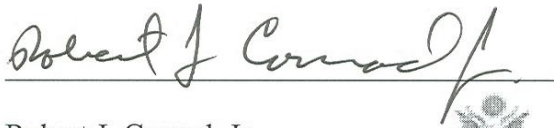
### IV. CONCLUSION

**IT IS, THEREFORE, ORDERED** that:

1. The Magistrate Judge’s Memorandum and Recommendations (Doc. 9) is **adopted in whole**.
2. Defendant’s motion to dismiss (Doc. 5) is **denied without prejudice**.

3. This case is **stayed** according to the terms established by the Magistrate Judge in the M&R.

Signed: July 28, 2014

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
United States District Judge

